

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEFAN LUMIERE,	:	
	:	
Petitioner,	:	18-cv-9170 (JSR) (BCM)
	:	16-cr-483 (JSR)
-v-	:	
	:	<u>MEMORANDUM ORDER</u>
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
-----	x	

JED S. RAKOFF, U.S.D.J.

On January 18, 2022, Magistrate Judge Barbara Moses issued a Report and Recommendation ("Report") in the above-captioned matter recommending that the Court deny Stefan Lumiere's motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct his resulting sentence based upon a claim of ineffective assistance of counsel. ECF No. 59. After the Court granted several extensions, Lumiere filed objections to the Report dated February 17, 2022. See ECF No. 72. Accordingly, the Court has reviewed the underlying motion and considered Lumiere's objections de novo.

Having done so, the Court finds itself in complete agreement with Magistrate Judge Moses's Report and Recommendation and hereby adopts its reasoning by reference. Lumiere has failed to meet the two-prong test for ineffective assistance of counsel as outlined by the Supreme Court in Strickland v. Washington, 466 U.S. 668 (1984). Accordingly, the Court hereby denies the § 2255 motion with prejudice. No certificate of appealability shall issue because

Lumiere has failed to make a substantial showing of the denial of a constitutional right. The Clerk of Court is directed to close the civil case and to close the entries at number 122, 123, and 134 on the docket of the criminal case.

SO ORDERED.

Dated: New York, NY
March 23, 2022


JED S. RAKOFF, U.S.D.J.